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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,089	02/01/2001	Pamela Boujra	67190/984046	3756
26646	7590	09/10/2004		EXAMINER
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004				KITOV, ZEEV
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/646,089	BOUJRA ET AL.	
Examiner	Art Unit		
Zeev Kitov	2836		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 11 - 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 11 - 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 February 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/20/03 11/10/03
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Examiner acknowledges a submission of the amendment and arguments filed on May 27, 2004. Claims 11 and 19 are amended. New Claims 20 – 22 are added. Amendment and arguments have overcome rejections under 102 (b) and 103(a). Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 11, 13, 14, 20 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al. (5,224,011) in view of Howell (US 4,429,340). Regarding Claims 19, 11 and 14, Yalla discloses most of the elements of the Claims including an electronic tripping device having an operating face (col. 3, lines 30 – 31), an adjusting circuit deriving an internal signal for the tripping device (elements 22 and 23 in Fig. 5), adjusting elements, which are key switches (elements 73a, 73b, 74, 75 and 76 in Fig. 1), and the LCD display element (element 41 in Fig. 5). The adjusting elements are used to set the tripping parameters, such as a tripping current (elements 50, 50N and 51VC in Fig. 17) and a time delay (elements 32 and 79 in Fig. 17). However, Yalla

discloses a single display element rather than different display element for each of the parameters. Howell discloses the circuit breaker having plural displays (elements 64 and 66 in Fig. 1) visually displaying different tripping parameters of the system. Both references have the same problem solving area, namely providing protection in the power distribution systems. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla solution by adding LCD displays, one for each tripping parameters, according to Howell, because as well known in the art, providing simultaneously more detailed information to the operator of the system would be beneficial for his performance.

Regarding Claim 13, Howell discloses the bar displays (elements 64 and 66 in Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla et al. solution by using the bar displays according to Howell, because it provides for a better visualization of the measured parameter and helps to get a visual information not only on an instant value of the measured parameter, but also on its current trend.

Regarding Claim 20, Yalla in view of Howell disclose the LCD elements configured to display the tripping parameters simultaneously relative to one another (see above). A motivation for modification of the primary reference is the same as above.

As to Claim 21, it differs from Claim 19 by its limitation of adjusting elements and display elements for one of the group of parameters including instantaneous tripping parameters. Yalla discloses setting the instantaneous tripping parameters (col. 23, lines

26 – 45, col. 27, lines 12 – 55). As to limitation of the LCD elements including a different respective element for each one of the tripping parameters, this issue was addressed above (see Claim 19 rejection).

Regarding Claim 22, Yalla in view of Howell disclose the LCD elements simultaneously displaying different tripping parameters (see above rejection of Claim 19).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al. in a view of Howell and Dvorak et al. (US 5,852,643). As was stated above, Yalla et al. and Howell disclose all the elements of Claim 19. Regarding Claim 12, they further disclose the switch selecting a desired entry (element 73a in Fig. 1), the switch providing calibration (element 76 in Fig. 1). However, they do not disclose the switch activating the display fields in an absence of auxiliary power. According to the AAPA, the Applicant used the Kent LCD display with “no power” feature, which can retain the latest information without power supply for practically unlimited amount of time. Dvorak et al. disclose the switch activating the display fields in an absence of auxiliary power (element 52 in Fig. 1). When the power switch is in off position, the “no power” LCD display can retain the latest information without interference. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla et al. solution by adding the third switch according to Dvorak, because it will make possible to read the last readings of the device in the event of a power outage.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al in a view of Howell and Durivage (US 5,038,246). Regarding Claims 15 and 16, Yalla et al. in a view of Howell do not disclose a scale element. Durivage shows a scale (elements 332 – 335 in Fig. 3a, col. 6, lines 50 - 54) arranged next to the bar display (element 322 in Fig. 3a, col. 5, line 37 – col. 6, line 47). It is inherent in the concept of the bar display that the scaling displays have a visual identification next to the bar display to identify the quantities.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al. in view of Howell and Durivage and further in a view of Court Decision *In re Stevens*, 212 F.2d 197, 101 USPQ 284 (CCPA 1954). Regarding Claim 17, Durivage shows a scale but does not specify if the proper end of the bar indicating a value to be adjusted at the scale. The Court has held that the adjustability, where needed is not a patentable advance. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla et al. solution by adding the bar displays with adjustable heights, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al in view of Howell and Applicant Admitted Prior Art (AAPA). As was stated above, Yalla et al. disclose all the elements of the Claim 19. However, regarding Claim 18, they

do not disclose the LCD elements permanently displaying information regardless whether the power supply is available or not. The Applicant Admitted Prior Art (page 5, lines 31 – 35 of Specification) discloses such LCD displays manufactured and sold by the Kent company. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla et al. solution by replacing the LCD element by the permanent display LCD element from Kent, because it will make possible to read the last readings of the device in the event of a power outage.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeev Kitov whose current telephone number is (571) 272 - 2052. The examiner can normally be reached on 8:00 – 4:30. If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272 – 2800, Ext. 36. The fax phone number for organization where this application or proceedings is assigned is (703) 872-9306 for all communications.

Z.K.
08/31/2004



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